

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JEAN MPOULI,

Defendant.

CASE NO. CR19-0072-JCC

ORDER

This matter comes before the Court on the parties' stipulated motion to continue trial (Dkt. No. 37). Defendant is charged by indictment with multiple counts of aiding and assisting in the preparation and presentation of a false and fraudulent tax return. (Dkt. No. 1.) Trial is currently scheduled for March 15, 2021. (Dkt. No. 36.) The parties move to continue the trial to June 28, 2021 based upon the impact of the ongoing COVID-19 pandemic. (Dkt. No. 37 at 2–4.) Defendant also indicates that additional time is needed for effective trial preparation in light of the voluminous discovery in this matter. (*Id.* at 4–5.) Having thoroughly considered the motion, the relevant record, and General Orders 01-20, 02-20, 03-20, 04-20, 07-20, 08-20, 13-20, 15-20, and 18-20 of the United States District Court for the Western District of Washington, addressing measures to reduce the spread and health risks from COVID-19, which are incorporated herein by reference, the Court GRANTS the motion for the reasons explained below.

The parties seek a continuance because the COVID-19 pandemic makes it unlikely that it

1 will be possible to proceed with a jury trial on March 15, 2021. (*Id.* at 2–4.) The parties cite
 2 findings from General Order 18-20, which are incorporated by reference herein. (*See id.* at 2–4
 3 (citing W.D. Wash., General Order No. 18-20 at 2 (Dec. 30, 2020).) The parties also note that
 4 effective trial preparation has been hampered by the COVID-19 pandemic. (*Id.* at 4–5.)

5 For these reasons, the Court CONTINUES trial to June 28, 2021 and FINDS as follows:

- 6 1. In light of the recommendations made by the Centers for Disease Control and
 7 Prevention (CDC) and Public Health for Seattle and King County regarding social
 8 distancing measures required to stop the spread of this disease, it is not possible to
 9 proceed with trial on the current case schedule. *See* 18 U.S.C. § 3161(h)(7)(B)(i).
- 10 2. Because of the recommendations that the many individuals at higher risk of
 11 contracting this disease avoid large groups of people, and because vaccination of
 12 those groups is not complete, it would be difficult, if not impossible, on the current
 13 case schedule to obtain a jury pool that would represent a fair cross section of the
 14 community. *See* 18 U.S.C. § 3161(h)(7)(B)(i). Based on the recommendations, it
 15 would also be medically inadvisable to do so.
- 16 3. Further, taking into account the exercise of due diligence, the failure to grant a
 17 continuance would deny Defendant’s counsel reasonable time necessary for effective
 18 trial preparation. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).
- 19 4. As a result, the failure to grant a continuance of the trial date in this case would likely
 20 result in a miscarriage of justice. *See* 18 U.S.C. § 3161(h)(7)(B)(i).
- 21 5. The ends of justice served by continuing the trial in this case outweigh the best
 22 interest of the public and Defendant in a speedier trial. 18 U.S.C. § 3161(h)(7)(A).

23 Accordingly, the Court ORDERS:

- 24 1. Trial in this matter is CONTINUED to June 28, 2021.
- 25 2. The pretrial motions deadline is CONTINUED to May 28, 2021.
- 26 3. The period of time between the date of this Order and the new trial date is an

1 excludable time period under 18 U.S.C. § 3161(h)(7)(A).

2 DATED this 19th day of February 2021.

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6 John C. Coughenour
7 UNITED STATES DISTRICT JUDGE
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